

IN THE CIRCUIT COURT
ST. CHARLES COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

ARRIC PLOCH)	
)	
Plaintiff,)	
)	Cause No.
v.)	
)	Division
CLIENT SERVICES, INC.)	
)	
)	
Defendant.)	
)	
Serve at:)	
Daniel K. Barklage)	
211 North Third Street)	
St. Charles, Missouri 63301)	

PETITION

COMES NOW, Plaintiff, Arric Ploch, and for his Petition states as follows:

INTRODUCTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 USC 1692 *et. Seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

JURISDICTION

2. This Court has jurisdiction of the FDCPA claim under 15 USC 1692k (d).

PARTIES

3. Plaintiff is a natural person currently residing in St. Charles County, Missouri. Plaintiff is a "consumer" within the meaning of the FDCPA. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions.

4. Upon information and belief, Defendant is a Missouri corporation with its principal place of business at 3451 Harry S. Truman Boulevard, St. Charles, Missouri 63301. The

principal business purpose of Defendant is the collection of debts, and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a "debt collector" as defined by the FDCPA. 15 USC 1692a (6).

FACTS

6. Plaintiff had previously filed suit (St. Charles County Case No. 1111-CV11523) against Defendant for violations of the FDCPA and TCPA in their attempts to collect a debt stemming from a Target Visa account ("Target debt").

7. Defendant dealt exclusively with Plaintiff's counsel on the previous suit to reach a settlement agreement. The previous suit was dismissed on February 15, 2012.

8. Defendant, knowing that Plaintiff was represented by counsel on the Target debt, telephoned Plaintiff on February 17th and 18th 2012 in an attempt to collect the Target debt.

9. Plaintiff called Defendant and informed them that he was still represented by counsel on this matter. During that call, Defendant verified for Plaintiff this was the same Target debt from the previous litigation.

10. Several days later, Defendant sent Plaintiff a collection letter in another attempt to collect the Target debt.

11. Plaintiff never consented to being contacted by the Defendant.

12. Defendant's collection attempts have caused Plaintiff to incur actual damages including but not limited to cellular phone charges, anxiety, sleeplessness, and worry.

COUNT I: VIOLATION OF THE FDCPA

13. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

14. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 USC 1692 *et. seq.*, including, but not limited to, the following:

- a. Communication with a consumer that the Defendant knows to be represented by counsel. 15 USC 1692 (c) (a) (2).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Release of the alleged debt;
- D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 USC 1692(k); and
- E. For such other relief as the Court may deem just and proper.

EASON & VOYTAS, LLC

s/ James W. Eason

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